IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No. 9225 of 2004

M/s Tigrania Metals Pvt Ltd. . petitioner

vs

The Nasik Provident Fund

Commissioner Nasik and ors..respondents

Mr.P.S. Choudhary for Petitioner

Mr. S.M.Shah for respondents

CORAM;A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated 3.l2.2004

P C:

Heard advocates.

We are satisfied that this petition is totally frivolous and intended only to delay recovery of provident fund dues. The petitioners have not disputed their statutory liability as determined under section 7(a) of the Employees Provident Fund and Misc. Provisions Act,l952. The accumulated

amount of provident fund dues is Rs.24.67 lacs as on 20.l0.2004. It appears that the petitioners had earlier filed writ petition in this court being Writ Petition No. l9ll of l994 challenging the recovery proceedings. This court granted indulgence to the petitioners on the condition that petitioners should deposit further amount of Rs.l.70 lacs against total amount of recovery of Rs.9 lacs as due at that time. The said amount was required to be deposited on or before l.7.l994. On that condition interim injunction was granted which would stand vacated automatically without any reference to this court, if the petitioners failed to deposit the said amount. The petitioners failed to deposit the said amount and the ad-interim order stood vacated. The petitioners have not disclosed this material fact in this petition. The petitioners have also not disclosed that they issued cheques to the Provident Fund Authorities from time to time and all the cheques were dishonoured and notice under section l38 of the Negotiable Instruments Act has been served on the petitioners. No interference is therefore warranted under Art 226 of the Constitution. Petition is accordingly dismissed.

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